

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
2016 DEC -5 AM 8:19
DEPUTY

<i>In re:</i>)	Chapter 13
Stephen Douglas McCool)	
and)	
Kimberlee Jean McCool)	
Last 4 Digits of Tax ID No. Xxx-xx-9084)	
Debtor's Address (Stephen McCool))	
402 Seabury Avenue)	
Sandston, VA 23150)	
<i>Debtors.</i>)	Case No. 14-40276
)	

**MOTION TO DISMISS CASE AS TO
STEPHEN DOUGLAS McCOOL**

**NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN
OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES
BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING
WITHIN TWENTY-ONE(21) DAYS FROM DATE OF SERVICE UNLESS THE COURT
SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO
OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE
DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER
GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN
A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU
FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN.
THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

Stephen Douglas McCool ("Movant"), hereby requests the Court to Dismiss **him only** from this Chapter 13 case, and in support of this Motion, Movant states as follows:

1. Stephen Douglas McCool and his spouse, Kimberlee Jean McCool filed a joint Chapter 13 case in the Eastern District of Texas on February 4, 2014 by attorney J. Brian Allen.
2. Janna Countryman was appointed Chapter 13 Trustee.

3. On July 8, 2014 an Order was entered confirming the Chapter 13 Plan.
4. On September 24, 2014 the Debtors filed a change of address reflecting their move to Sandston, Virginia.
5. On January 8, 2015, a Modified Plan was confirmed by the Court.
6. On November 14, 2015 a Motion to Withdraw as Attorney was filed by Texas counsel, J. Brian Allen, and on December 11, 2015, the Order was granted and the Debtors are now Pro Se.
7. Since the move to Virginia, the Debtors have separated and are in the process of completing a divorce.
8. Stephen McCool has hired a divorce attorney, and has retained Bruce W White to file a Chapter 7 bankruptcy in Virginia, once he has been dismissed from this Chapter 13 case.
9. Because of the separation of the parties, the Debtors are unable to communicate effectively and file a joint dismissal of this case, or a joint Motion to transfer it to Virginia, or a joint conversion of the case to Chapter 7.
10. Upon the dismissal of Stephen Douglas McCool from the case, it is requested that the wage assignment in effect as to Stephen Douglas McCool be terminated.
11. Accordingly, Stephen Douglas McCool seeks a Court Order dismissing him from the case.

WHEREFORE, for the reasons set forth herein, Stephen Douglas McCool respectfully requests that the Court enter an order dismissing him from this case, that the wage assignment in effect as to Stephen Douglas McCool be terminated, and that the Court grant such other and further relief as is just and proper.

Stephen Douglas McCool
/s/ Stephen Douglas McCool
Stephen Douglas McCool

Stephen Douglas McCool
402 Seabrun Avenue
Sandston, VA 27150
(804) 502-2279
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CERTIFICATE OF SERVICE

I hereby certify that on the 29 day of November, 2016, I mailed a copy, first class mail, postage pre-paid, of the foregoing Motion to Dismiss to the U.S. Trustee at 110 N. College Avenue, Suite 300, Tyler, TX 75702, to Carey D. Ebert, Chapter 13 Trustee at P. O. Box 941166, Plano, TX 75094, United States Attorneys Office at 110 North College Avenue, Suite 700, Tyler, TX 75702 and to Kimberlee Jean McCool, P.O. Box 371, Callaway, MD 30620.

Stephen Douglas McCool
Stephen Douglas McCool, Debtor